

**MINUTES OF A REGULAR MEETING AND PUBLIC HEARINGS OF
THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
APRIL 17, 2013**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, April 17, 2013, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
David Prechtel	Present
Thomas Schmidt	Absent
Earl Schmitt	Present
Kevin Manley	Absent
Randall Buchta	Present
Raymond Howard	Present
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Five of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. March 20, 2013 regular common council meeting

Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to approve the minutes as presented. Motion carried 5-0.

Public hearing. Mayor Seitz opened the public hearing regarding the petition of Access Storage Ventures LLC to vacate a public utility and drainage easement along the south line of Lots one and two of Fitness Addition. A notice appeared in the Herald on March 27, 2013 and was posted at city hall.

Phil Buehler with Brosmer Land Surveying said he was representing Access Storage Ventures LLC. Access Storage wants to vacate the 20ft public utility and

drainage easement, which is not part of the 40ft sewer easement that exists on the west side of the property. The easement is located at the Old Fitness Factory building on Second Street and Memorial Hospital will be a tenant in the building. Buehler showed a map and a plat of the area and said there is an above-ground electric line and there is a private service gas line in the easement. Buehler said in the department head comments City Engineer Chad Hurm said Access Storage will provide a new 20ft public utility and drainage easement on the parcel to the south. Gas and Water Manager Mike Oeding commented that “there is a one-inch gas service to the car wash in this area. They will need to have an agreement or easement to allow the service to stay. This would be between two property owners and not the water utility”.

City Attorney Renee Kabrick said when the council considers the ordinance for this matter; they could make it contingent upon the recording of two easements.

Mayor Seitz then asked for public comments. No comments were received.

Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to close the public hearing. Motion carried 5-0.

ORDINANCE NO. 2013-11 AN ORDINANCE VACATING PUBLIC UTILITY AND DRAINAGE EASEMENTS

This ordinance vacates a 20 ft PUDE along the entire south line of Lots One (1) and Two (2) of Fitness Addition EXCEPT that 40-foot portion of said 20-foot Public Utility & Drainage Easement which is situated within the 40-foot Public Utility & Drainage Easement/Sanitary Sewer Easement on Lot One (1).

A motion was made by Council member Raymond Howard and seconded by Council member David Prechtel to consider the ordinance for one reading only. Motion carried 5-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to have the ordinance read by title only. Motion carried 5-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Raymond Howard to pass and adopt Ordinance No. 2013-11 contingent upon the recording of two easements. Motion carried 5-0.

Public hearing. Mayor Seitz then opened the public hearing regarding the petition of Keusch Kids LLC and KAKB LLC to rezone 19.66 acres located on the west side of Brookstone Estates and Brookstone Estates II from A-1 Agriculture to R-R Rural Residential. A notice appeared in the Herald on April 6, 2013 and was posted at city hall.

Mayor Seitz then said, “With respect to tonight’s public hearing, we are hereby incorporating by reference into the record of this public hearing, City of Jasper Ordinance Number 1993-17, entitled “Zoning Ordinance and Subdivision Control Ordinance and Flood District and Flood Damage Prevention” and any and all Amendments thereto, and the City of Jasper Comprehensive Plan”.

No one representing the petitioner was present. The Plan Commission gave a favorable recommendation for the rezoning.

Mayor Seitz then asked for public comments. No comments were received.

Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Randall Buchta to close the public hearing. Motion carried 5-0.

Rezone proposal/Ordinance No. 2013-9. Mayor Seitz said the council needs to consider the proposal from Keusch Kids LLC and KAKB LLC to rezone 19.66 acres located on the west side of Brookstone Estates and Brookstone Estates II from A-1 Agriculture to R-R Rural Residential.

Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to accept the proposal to rezone the property and adopt the rezoning ordinance for such property. Motion carried 5-0. The ordinance was referenced Ordinance No. 2013-9.

Public hearing. Mayor Seitz opened the public hearing regarding the petition of EGR LLC to vacate a public right-of-way. A notice appeared in the Herald on April 6, 2013 and was posted at city hall.

Bill Kaiser, representing EGR LLC, said the owner wants to build a parking lot over a portion of Booths Lane that is on their property. Booths Lane was not developed. Kaiser displayed an aerial map and a map of the Summits Heights Addition and indicated the area his client wants to vacate.

Mayor Seitz asked for public comments. Sally Gogel Fischer said she is an adjoining landowner and a sewer line runs through there. Kaiser said they need to find out if it is a private or public line. Gogel said she asked the utility office and they said it is a private line.

City Attorney Renee Kabrick said if the council agrees to vacate the area she suggested they make it contingent upon granting a private easement agreement.

Mayor Seitz again asked for public comments. No further comments were received.

Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member David Prechtel to close the public hearing. Motion carried 5-0.

ORDINANCE NO. 2013-10 AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY

This ordinance vacates Booths Lane.

A motion was made by Council member Raymond Howard and seconded by Council member Randall Buchta to consider the ordinance for one reading only. Motion carried 5-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to have the ordinance read by title only. Motion carried 5-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2013-10 contingent upon EGR LLC granting a private easement. Motion carried 5-0.

Students. Two Forest Park High School students attended the meeting as part of their US Government class.

Form CF-1/PP for tax abatement. Several days prior to the meeting copies of the compliance with statement of benefits form for personal property [Form CF-1/PP] submitted by Kimball Furniture Group Inc and by Kimball Hospitality Inc were distributed to the council members for their review. Several representatives from Kimball were present to answer any questions that may arise.

The statement of benefits form for Kimball Furniture Group said the estimated completion date for the project would be January 31, 2013. According to a Kimball representative, there was a delay by the supplier to complete all the equipment installation by that date.

A **motion** was made by Council member Gregory Schnarr and seconded by Council member Raymond Howard to confirm that Kimball Furniture Group is in substantial compliance. Motion carried 5-0.

The statement of benefits form for Kimball Hospitality Inc said the estimated completion date for the project would be January 31, 2013. According to a Kimball representative, the manufacturing equipment was not installed by March 1 but the project should be completed in the next few weeks. Council member Gregory Schnarr said the statement of benefits form said there would be twenty additional employees but actually only eleven have been added. A Kimball representative said currently they have added fourteen employees and they anticipate hiring up to twenty people.

A **motion** was made by Council member Randall Buchta and seconded by Council member David Prechtel to confirm that Kimball Hospitality Inc is in substantial compliance. Motion carried 5-0.

Utility Service Board. General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on April 15, 2013. Copies of the minutes are supplied to each council member.

ORDINANCE NO. 2013-7 AN ORDINANCE AMENDING ORDINANCE NO. 2010-7, ENTITLED AN ORDINANCE SETTING FORTH

WASTEWATER PRETREATMENT REQUIREMENTS FOR USERS OF THE CITY OF JASPER'S WASTEWATER TREATMENT WORKS

This ordinance changes local limits and adds alternative limits to the wastewater pretreatment ordinance. Amendment recommended by the Utility Service Board.

A motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to consider the ordinance for one reading only. Motion carried 5-0. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Gregory Schnarr to have the ordinance read by title only. Motion carried 5-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Raymond Howard and seconded by Council member Randall Buchta to pass and adopt Ordinance No. 2013-7. Motion carried 5-0.

ORDINANCE NO. 2013-8 AN ORDINANCE AMENDING ORDINANCE NO. 557, ENTITLED AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE CITY OF JASPER, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

This ordinance changes local limits and adds alternative limits to the wastewater ordinance to be in compliance with Federal laws and to be consistent with Ordinance No. 2013-7. Amendment recommended by the Utility Service Board.

A motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to consider the ordinance for one reading only. Motion carried 5-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to have the ordinance read by title only. Motion carried 5-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member Raymond Howard to pass and adopt Ordinance No. 2013-8. Motion carried 5-0.

Public business. Mayor Seitz asked if there was any public business. Jerry and Ann Hilgefert came to the podium and said they attended the April 3, 2013 Board of Zoning Appeals meeting. The person considering purchasing the property on the southeast corner of Mill and 36th Streets, west of the Hilgefert property, asked for a variance to place a 120 ft by 30 ft outbuilding on the property. The Board of Zoning Appeals denied the request because of setbacks. Mr. Hilgefert then said the proposed buyer [Mr. Gercken] is changing the size of the outbuilding to 80 ft by 30 ft. that meets the setback guidelines. He said when one turns onto E. 36th Street one will not see anything but a metal building. He is building a new home and does not want to look at a 2400 sq. ft. building in a residential area.

Ann Hilgefert said she does not know the man that is purchasing the property at 36th and Mill Streets but she doesn't see this man falling into a group of taking care of the area. She wanted to know if they had any other recourse.

City Attorney Renee Kabrick said Mr. Gercken does not have to come before the Board of Zoning Appeals again. His plan now meets the standards and setbacks and complies with all of the City's current standards. She also said Mr. Gercken's property is not in a subdivision and therefore there are no covenants which may or may not have addressed this issue. As long as any resident that comes to us with information that is in compliance, the resident does not have to notify anyone nor come before a Board.

Mayor Seitz said there is funding in the 2013 budget to review the City's zoning ordinance but that no specific part of the ordinance has been singled out for change at this time.

Adjournment. There being no further business to come before the board, a motion was made by Council member Randall Buchta and seconded by Council member Raymond Howard to adjourn the meeting. The motion carried 5-0 and the meeting adjourned at 8:25 p.m.

The minutes were hereby approved _____ with _____ without corrections or clarification this 22nd day of May, 2013.

Mayor Terry Seitz
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer